

in a single geographical area part of which is situated in each of such States; or

(2) transfer such commodities to any such emergency feeding organization in the other State under such agreement.

(Pub. L. 98-8, title II, §203B, as added Pub. L. 98-92, §2(5), Sept. 2, 1983, 97 Stat. 610; amended Pub. L. 99-198, title XV, §1568, Dec. 23, 1985, 99 Stat. 1592; Pub. L. 100-435, title I, §105(c), Sept. 19, 1988, 102 Stat. 1651; Pub. L. 104-193, title VIII, §871(e)(1), Aug. 22, 1996, 110 Stat. 2345.)

#### AMENDMENTS

1996—Subsec. (a). Pub. L. 104-193 substituted “203A”, which was translated as “section 7504 of this title”, for “203 and 203A of this Act”.

1988—Subsec. (a). Pub. L. 100-435 inserted at end “Notwithstanding any other provision of this chapter, in the distribution of commodities under this chapter, each State agency shall have the option to give priority to existing food bank networks and other organizations whose ongoing primary function is to facilitate the distribution of food to low-income households, including food from sources other than the Department of Agriculture.”

1985—Subsec. (b). Pub. L. 99-198, §1568(a), inserted at end “Each State agency shall encourage distribution of such commodities in rural areas.”

Subsec. (d). Pub. L. 99-198, §1568(b), added subsec. (d).

#### EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-435 to be effective and implemented on Oct. 1, 1988, see section 701(a) of Pub. L. 100-435, set out as a note under section 2012 of this title.

#### EFFECTIVE DATE

Section 2 of Pub. L. 98-92 provided in part that this section is effective Oct. 1, 1983.

### § 7506. Assurances; anticipated use

(a) The Secretary shall take such precautions as the Secretary deems necessary to assure that any eligible recipient agency receiving commodities under this chapter will provide such commodities to persons served by the eligible recipient agency and will not diminish its normal expenditures for food by reason of the receipt of such commodities. The Secretary shall also take such precautions as the Secretary deems necessary to assure that commodities made available under this chapter will not displace commercial sales of such commodities or the products thereof. The Secretary shall not make commodities available for donation in any quantity or manner that the Secretary, in the Secretary's discretion, determines may, substitute for the same or any other agricultural produce that would otherwise be purchased in the market.

(b) Commodities provided under this chapter shall be distributed only in quantities that can be consumed without waste. No eligible recipient agency may receive commodities under this chapter in excess of anticipated use, based on inventory records and controls, or in excess of its ability to accept and store such commodities.

(Pub. L. 98-8, title II, §203C, as added Pub. L. 98-92, §2(5), Sept. 2, 1983, 97 Stat. 610; amended Pub. L. 99-198, title XV, §1566, Dec. 23, 1985, 99 Stat. 1591; Pub. L. 104-66, title I, §1011(k), Dec. 21, 1995, 109 Stat. 710.)

#### AMENDMENTS

1995—Subsec. (a). Pub. L. 104-66 struck out at end “The Secretary shall submit to Congress each year a

report as to whether and to what extent such displacements or substitutions are occurring.”

1985—Subsec. (a). Pub. L. 99-198 inserted at end “The Secretary shall submit to Congress each year a report as to whether and to what extent such displacements or substitutions are occurring.”

#### EFFECTIVE DATE

Section 2 of Pub. L. 98-92 provided in part that this section is effective Oct. 1, 1983.

### § 7507. State and local supplementation of commodities

#### (a) Authorization

The Secretary shall establish procedures under which State and local agencies, charitable institutions, or any other persons may supplement the commodities distributed under the program authorized by this chapter for use by emergency feeding organizations with nutritious and wholesome commodities that such entities or persons donate to State agencies and emergency feeding organizations for distribution, in all or part of the State, in addition to the commodities otherwise made available under this chapter.

#### (b) Use of funds and facilities

States and emergency feeding organizations may use the funds appropriated under this chapter and equipment, structures, vehicles, and all other facilities involved in the storage, handling, or distribution of commodities made available under this chapter, and the personnel, both paid or volunteer, involved in such storage, handling, or distribution, to store, handle or distribute commodities donated for the use of emergency feeding organizations under subsection (a) of this section.

#### (c) Volunteer workers

State and emergency feeding organizations shall continue, to the maximum extent practicable, to use volunteer workers and commodities and other foodstuffs donated by charitable and other organizations in the operation of the program authorized by this section.

(Pub. L. 98-8, title II, §203D, as added Pub. L. 100-435, title I, §102, Sept. 19, 1988, 102 Stat. 1647.)

#### EFFECTIVE DATE

Section to be effective and implemented on Oct. 1, 1988, see section 701(a) of Pub. L. 100-435, set out as an Effective Date of 1988 Amendment note under section 2012 of this title.

### § 7508. Authorization and appropriations

(a)(1) There are authorized to be appropriated \$60,000,000 for each of the fiscal years 2003 through 2007 for the Secretary to make available to the States to pay for the direct and indirect costs of the States related to the processing, storage, transporting, and distributing to eligible recipient agencies of commodities provided by the Secretary under this chapter and commodities secured from other sources, including commodities secured by gleaning (as defined in section 111(a) of the Hunger Prevention Act of 1988 (7 U.S.C. 612c note; Public Law 100-435)). Funds appropriated under this paragraph for any fiscal year shall be allocated to the States on an advance basis, dividing such funds among the

situations of emergency and distress through the provision of food to needy persons, including low-income and unemployed persons, provided that in no case shall such payments exceed five per centum of the value of commodities distributed by any such agency."

Subsec. (a)(1). Pub. L. 101-624, §1772(c)(3), substituted "1991 through 1995" for "ending September 30, 1986, through September 30, 1990."

Subsec. (a)(2). Pub. L. 101-624, §1772(d), inserted "repackaging, processing," after "handling," in second sentence.

Subsec. (b). Pub. L. 101-624, §1772(c)(1), (2), redesignated subsec. (d) as (b) and struck out former subsec. (b) which read as follows: "There are hereby authorized to be appropriated \$50,000,000 for each of the fiscal years ending September 30, 1984, and September 30, 1985, for the Secretary to make available to the States for storage and distribution costs of which not less than twenty per centum of the amount appropriated under this subsection in any fiscal year shall be made available for paying or providing advance payments to cover the actual costs incurred by charitable institutions, food banks, hunger centers, soup kitchens, and similar non-profit eligible recipient agencies providing nutrition assistance to relieve situations of emergency and distress through the provision of food to needy persons, including low-income and unemployed persons: *Provided*, That in no case shall such payments exceed five per centum of the value of commodities distributed by any such agency."

Subsecs. (c), (d). Pub. L. 101-624, §1772(c)(2), redesignated subsecs. (c) and (d) as (a) and (b), respectively.

1988—Subsec. (c)(1). Pub. L. 100-435, §105(a), inserted at end "States may also use funds provided under this paragraph to pay for the costs associated with the distribution of commodities under the program authorized under section 110 of the Hunger Prevention Act of 1988, and to pay for the costs associated with the distribution of additional commodities provided pursuant to section 7515 of this title."

Pub. L. 100-435, §103(a), substituted "through September 30, 1990" for "through September 30, 1988" in first sentence.

Subsec. (c)(2). Pub. L. 100-435, §103(b), (c), in first sentence, substituted "40" for "20" and, in second sentence, inserted "costs of providing information to persons receiving commodities under this chapter concerning the appropriate storage and preparation of such commodities;" after "documentation;"

1987—Subsec. (c)(1). Pub. L. 100-77 substituted "through September 30, 1988" for "and September 30, 1987" in first sentence.

1985—Subsecs. (c), (d). Pub. L. 99-198 added subsec. (c) and redesignated former subsec. (c) as (d).

1983—Subsecs. (b), (c). Pub. L. 98-92 added subsec. (b), designated former last sentence of subsec. (a) as (c), and substituted therein "appropriations made or authorized under this section" for "this appropriation".

#### EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-171 effective Oct. 1, 2002, except as otherwise provided, see section 4405 of Pub. L. 107-171, set out as an Effective Date note under section 1161 of Title 2, The Congress.

#### EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by section 1772(c) of Pub. L. 101-624 effective Oct. 1, 1990, and amendment by section 1772(d) of Pub. L. 101-624 effective Nov. 28, 1990, see section 1781(b)(1), (2) of Pub. L. 101-624, set out as a note under section 2012 of this title.

#### EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by section 103(a)-(c) of Pub. L. 100-435 to be effective and implemented on Sept. 19, 1988, and amendment by section 105(a) of Pub. L. 100-435 to be effective and implemented on Oct. 1, 1988, see section 701(a), (b)(1) of Pub. L. 100-435, set out as a note under section 2012 of this title.

#### EFFECTIVE DATE OF 1983 AMENDMENT

Section 2 of Pub. L. 98-92 provided in part that the amendment made by that section is effective Oct. 1, 1983.

### § 7509. Relationship to other programs

(a) Section 2013(b) of this title shall not apply with respect to the distribution of commodities under this chapter.

(b) Except as otherwise provided in section 7504 of this title, none of the commodities distributed under this chapter shall be sold or otherwise disposed of in commercial channels in any form.

(Pub. L. 98-8, title II, §205, Mar. 24, 1983, 97 Stat. 36; Pub. L. 98-92, §2(7), Sept. 2, 1983, 97 Stat. 611.)

#### AMENDMENTS

1983—Pub. L. 98-92 substituted "Relationship to other programs" for "Relationships to food stamps" in section catchline, designated existing provisions as subsec. (a), and added subsec. (b).

#### EFFECTIVE DATE OF 1983 AMENDMENT

Section 2 of Pub. L. 98-92 provided in part that the amendment made by that section is effective Oct. 1, 1983.

### § 7510. Commodities not income

Notwithstanding any other provision of law, commodities distributed under this chapter shall not be considered income or resources for any purposes under any Federal, State, or local law.

(Pub. L. 98-8, title II, §206, Mar. 24, 1983, 97 Stat. 36.)

### § 7511. Prohibition against certain State charges

Whenever a commodity is made available without charge or credit under any nutrition program administered by the Secretary for distribution within the States to eligible recipient agencies, the State may not charge recipient agencies any amount that is in excess of the State's direct costs of storing and transporting the commodities to recipient agencies minus any amount the Secretary provides the State for the costs of storing and transporting such commodities.

(Pub. L. 98-8, title II, §208, Mar. 24, 1983, 97 Stat. 36.)

### § 7512. Regulations

#### (a) Issuance

The Secretary shall issue regulations within 30 days to implement this chapter.

#### (b) Minimization of regulatory requirements

In administering this chapter, the Secretary shall minimize, to the maximum extent practicable, the regulatory, recordkeeping, and paperwork requirements imposed on eligible recipient agencies.

#### (c) Publication in Federal Register

(1) The Secretary shall as early as feasible but not later than the beginning of each fiscal year, publish in the Federal Register an estimate of the types and quantities of commodities that

the Secretary anticipates are likely to be made available under the commodity distribution program under this chapter during the fiscal year.

(2) The actual types and quantities of commodities made available by the Secretary under this chapter may differ from the estimates made under paragraph (1).

**(d) Standards of liability for commodity losses**

The regulations issued by the Secretary under this section shall include provisions that set standards with respect to liability for commodity losses under the program under this chapter in situations in which there is no evidence of negligence or fraud, and conditions for payment to cover such losses. Such provisions shall take into consideration the special needs and circumstances of emergency feeding organizations<sup>1</sup>

**(e) Final regulations**

The Secretary is authorized to issue final regulations without first issuing proposed regulations for public comment in order to carry out the provisions of sections 7514 and 7515 of this title. If final regulations are issued without such prior public comment the Secretary shall permit public comment on such regulations, consider pertinent comments, and make modifications of such regulations as appropriate not later than 1 year after September 19, 1988. Such final and modified regulations shall be accompanied by a statement of the basis and purpose for such regulations.

(Pub. L. 98–8, title II, §210, Mar. 24, 1983, 97 Stat. 36; Pub. L. 98–92, §2(9), Sept. 2, 1983, 97 Stat. 611; Pub. L. 99–198, title XV, §1570, Dec. 23, 1985, 99 Stat. 1594; Pub. L. 100–77, title VIII, §814(b), July 22, 1987, 101 Stat. 538; Pub. L. 100–435, title I, §§103(d), 105(b), Sept. 19, 1988, 102 Stat. 1648, 1651; Pub. L. 101–624, title XVII, §1772(e), Nov. 28, 1990, 104 Stat. 3809; Pub. L. 104–193, title VIII, §871(e)(3), Aug. 22, 1996, 110 Stat. 2345.)

**AMENDMENTS**

1996—Subsec. (e). Pub. L. 104–193 struck out “(except as otherwise provided for in section 7515(j) of this title)” before “for public comment” in first sentence.

1990—Subsec. (c). Pub. L. 101–624 added subsec. (c) and struck out former subsec. (c) which contained provisions similar to the current provisions for specific fiscal years.

1988—Subsec. (c). Pub. L. 100–435, §103(d), substituted “each of the fiscal years 1989 and 1990” for “the fiscal year ending September 30, 1988”.

Subsec. (e). Pub. L. 100–435, §105(b), added subsec. (e).

1987—Subsec. (c). Pub. L. 100–77 substituted provisions relating to period ending on date specified in former section 212 of Pub. L. 98–8 for provisions relating to period beginning October 1, 1983 and ending September 30, 1987, and substituted “fiscal year ending September 30, 1988” for “fiscal year ending September 30, 1987”.

1985—Subsec. (c). Pub. L. 99–198, §1570(1), substituted “the period beginning October 1, 1983, and ending September 30, 1987” for “the fiscal years ending September 30, 1984, and September 30, 1985”, “as early as feasible but not later than the beginning of the fiscal year ending September 30, 1987” for “prior to the beginning of the fiscal year ending September 30, 1985”, and “such fiscal year” for “second twelve months”.

Subsec. (d). Pub. L. 99–198, §1570(2), added subsec. (d).  
1983—Pub. L. 98–92 designated existing provisions as subsec. (a) and added subsecs. (b) and (c).

**EFFECTIVE DATE OF 1990 AMENDMENT**

Amendment by Pub. L. 101–624 effective and implemented first day of month beginning 120 days after publication of implementing regulations to be promulgated not later than Oct. 1, 1991, see section 1781(a) of Pub. L. 101–624, set out as a note under section 2012 of this title.

**EFFECTIVE DATE OF 1988 AMENDMENT**

Amendment by section 103(d) of Pub. L. 100–435 to be effective and implemented on Sept. 19, 1988, and amendment by section 105(b) of Pub. L. 100–435 to be effective and implemented on Oct. 1, 1988, see section 701(a), (b)(1) of Pub. L. 100–435, set out as a note under section 2012 of this title.

**EFFECTIVE DATE OF 1983 AMENDMENT**

Section 2 of Pub. L. 98–92 provided in part that the amendment made by that section is effective Oct. 1, 1983.

**§ 7513. Finality of determinations**

Determinations made by the Secretary of Agriculture under this chapter and the facts constituting the basis for any donation of commodities under this chapter, or the amount thereof, when officially determined in conformity with the applicable regulations prescribed by the Secretary, shall be final and conclusive and shall not be reviewable by any other officer or agency of the Government.

(Pub. L. 98–8, title II, §211, as added Pub. L. 98–92, §2(10), Sept. 2, 1983, 97 Stat. 612.)

**EFFECTIVE DATE**

Section 2 of Pub. L. 98–92 provided in part that this section is effective Oct. 1, 1983.

**§ 7514. Incorporation of additional commodities**

**(a) In general**

The Secretary shall administer the program authorized under this chapter in a manner that incorporates into the program additional commodities purchased by the Secretary under section 7515 of this title to be distributed to States for use in such States by emergency feeding organizations, as defined in section 7501(1)<sup>1</sup> of this title. Such additional commodities, to the extent practicable and appropriate, shall include commodities purchased within a given State for distribution within such State.

**(b) Supplement commodities available**

The Secretary shall supplement the commodities made available to emergency feeding organizations under sections 7502 and 7507(a) of this title with nutritious and useful commodities purchased by the Secretary under section 7515 of this title.

(Pub. L. 98–8, title II, §213, as added Pub. L. 100–435, title I, §104, Sept. 19, 1988, 102 Stat. 1648.)

**REFERENCES IN TEXT**

Section 7501 of this title, referred to in subsec. (a), was subsequently amended, and section 7501(1) no longer defines the term “emergency feeding organization”. However, such term is defined elsewhere in that section.

**EFFECTIVE DATE**

Section to be effective and implemented on Oct. 1, 1988, see section 701(a) of Pub. L. 100–435, set out as an

<sup>1</sup> So in original.

<sup>1</sup> See References in Text note below.